GAO 440 (Rev. 10/93) Summons in a Civil Action

Came To Hand

## UNITED STATES DISTRICT COURT

APR 1 1 2008

WESTERN DISTRICT OF TEXAS

@ 7:00 Amp

HITUL GANDHI, Individually and on Behalf of a Class of Others Similarly Situated,

Plaintiffs,

-VS-

DELL INC. and DELL MARKETING USA, L.P.

Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER: A 0 8 CA 248 LY

**FILED** 

APR 2 4 2008

To: DELL MARKETING USA, L.P.

Corporation Service Company, Registered Agent 701 Brazos Street, Suite 1050 Austin, Texas 78701 CLERK, U.S. DISTRICT COURT WESTERN CHERKICT OF TEXAS BY DEPUTY CLERK

## YOU ARE HEREBY SUMMONED and required to serve upon:

J. Derek Braziel LEE & BRAZIEL, L.L.P. 1801 N. Lamar Street, Suite 325 Dallas, Texas 75202 214-749-1400 (phone) 214-749-1010 (fax)

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

WILLIAM G. PUTNICKI

APR 1 2008

CLERK

(By) DEPUTY CLERK

GAO 440 (Rev. 10/93) Summons in a Civil Action

DATE

Affidavit Attached

RETURN OF SERVICE

Case 1:08-cv-00248	3-JRN Docun	nent 11 Filed 04/	24/08 Page	<sup>2</sup> 2318LY
Service of the Summons and complaint was	made by me <sup>(1)</sup>	DATE	u ama	6 11:30 M
NAME OF SERVER (PRINT)  REFELSON KEYTON	made by me	Process	Sever	© 11:30 AM SCH-0735
Check one box below to indicate appropriate	method of service			
Served personally upon the third-party	defendant. Place w	where served:		
Left copies thereof at the defendant=s discretion then residing therein.	dwelling house or u	sual place of abode with	a person of suitab	ole age and
Name of person with whom the summ	ons and complaint v	were left:		
Returned unexecuted:				
Other (specify):	Affido	avit		
		had		
TRAVEL SER	RVICES	A STATE CE FEES	TOTAL	
IRAVEL		(0) 00 (00)	IOIAL	<u> </u>
	DECLARATI	ON OF SERVER		
I declare under penalty of perjuccontained in the Return of Service and Servic				
	BO9 RUO Address of Serve	Crande, 576	103, AUS.	7/W, ZX
	•			

## AFFIDAVIT OF SERVICE

Came to hand on the 11th day of April , 2008, at 7:00 o'clock Cause No. A08CA 248LY

Austin, Texas 78701 701 Brazos Street, Suite 1050 Executed at at 11:30 o'clock am on the 11th day within the County of Travis at 11:30 o'clock of April , 2008, by delivering to the within named:

DELL MARKETING USA, L.P.,

by delivering to its Registered Agent, CORPORATION SERVICE COMPANY, by delivering to its designated agent, SUSAN A. VERTREES, in person, a true copy of this Summons in a Civil Case together with Plaintiff's Original Complaint and Certificate of Interested Parties attached, having first endorsed upon such copy of such Summons the date of delivery.

I am not a party to or interested in the outcome of the suit referenced above. I am authorized by written order to serve citation and other notices. I am not less than eighteen (18) years of age.

Service Fee \$60.00

HITUL GANDHI, Individually and on Behalf of a Class of Others Similarly Situated,

Plaintiff

V. DELL INC. AND DELL MARKETING USA, L.P.,

Defendant

By:

Jefferson R. Keyton ID# SCH-735 (Authorized Person)

THOMAS PROCESS

809 Rio Grande Street Suite 103 Austin, Texas 78701 (512) 320-8330

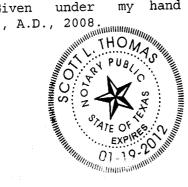
## VERIFICATION

STATE OF TEXAS COUNTY OF TRAVIS

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared , known to me to be the person whose name Jefferson R. Keyton is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

this 16th day of my hand and seal of office under Given

April



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NOTARY PUBLIC, STATE OF TEXAS

37774/Gandhi